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Number I

Oglethorpe's Treaty with the Lower Creek Indians.

With the determination to do all in his power to bring about a realization of the hope expressed by him in his address to the colonists on their first landing at Savannah, "that through your good example the settlement of Georgia may prove a blessing and not a curse to the native inhabitants," Oglethorpe quickly sought to make a treaty with the Indians which would be helpful to both parties to the contract, and, with the aid of the good old Mico of the Yamacraws, Tomochichi, the first treaty of the kind in Georgia was made bearing full evidence of fairness and purpose of mutual support, and it should ever be held in memory as one of the chief factors in the successful achievement of the objects aimed at in the establishment of the Colony of Georgia.

Among the papers in the possession of the Georgia Historical Society is the document herewith presented. The Treaty itself has been printed in several works relating to the history of Georgia, generally in an abbreviated form, but sometimes in an almost complete state; but the following copy, carrying with it affidavits as to its being from the official records, makes certain the fact of its accuracy and completeness.

Coming in the form in which it appears, it necessarily possesses more interest than is attached to the copies in other publications, and it is still more interesting by reason of the use of the name of the Right Honorable Stephen Janssen, M. P., Lord Mayor of London, who was one of the Trustees for Establishing the Colony of Georgia in America, appointed in 1749. The paper is a copy made from a transcript which some one had evidently procured for the purpose of perfect accuracy in duplicating the original Treaty, as shown by the

accompanying affidavits; but who that person was cannot now be ascertained, nor can we discover the reason for the procuring of the copy which bears the marks of having been written many years back.—*EDITOR*.

{ BRITISH
CROWN }

{ BRITISH
CROWN }

To All to Whom these presents shall come: I Stephen Theodore Janssen Lord Mayor of the City of London In pursuance of an act of Parliament made and passed in the fifth year of the Reign of our Sovereign Lord King George the Second *Entitled an Act* for the more easy recovery of Debts in His Majesty's Plantations and Colonies in America, Do hereby Certify that on the day of the Date hereof personally came and appeared before me Thomas Marriott, the Deponent named in the Affidavit hereunto annexed, being a person well known and worthy of good credit and by solemn Oath which the said Deponent took before me upon the Holy Evangelist of Almighty God, Did solemnly and sincerely declare, testify and depose to be true, the several matters and things mentioned and contained in the said affidavit annexed—

In Faith and Testimony whereof, I, the said Lord Mayor, have caused the seal of the Office of Mayoralty of the said City of London to be hereunto put and affixed and the Treaty mentioned and referred to in and by the said affidavit to be hereunto also annexed.

{ SEAL OF THE MAYOR
OF LONDON. }

Dated in London the twenty-fourth day of April in the year of our Lord, 1755.

$$\left\{ \begin{array}{c} \text{BRITISH} \\ \text{CROWN} \end{array} \right\}$$

$$\left\{ \begin{array}{c} \text{BRITISH} \\ \text{CROWN} \end{array} \right\}$$

Thomas Marriott, of Lisle Street, in the Parish of Saint Anne in the County of Middlesex, Esquire, and late one of the Magistrates of the Town and County of Frederica, in the Colony of Georgia, maketh Oath and saith that in August, one thousand seven hundred and thirty-nine, He, this deponent, was in the Creek Indian Country along with Lieutenant General James Oglethorpe, and personally present at the General Assembled Estates of the said Creek Nation at the Coweta and Cussita Towns when the Annexed Treaty was concluded, ratified, and confirmed between the said General Oglethorpe as commissioner for the trustees for establishing the Colony of Georgia in America, in behalf of the crown of Great Britain and the said Assembled States then representing the whole Creek Nation, in the presence of a sworn Interpreter and the several persons whose names are subscribed thereto, and this deponent doth further declare that the said Treaty is of this deponent's own hand writing and that he did see the said James Oglethorpe sign and seal and deliver the same as his own proper act and Deed in behalf of the Crown of Great Britain and that he this deponent signed his name as an evidence thereunto.

THOMAS MARRIOTT.

Sworn the 24th day of April, 1755, }
at the Mansion House in London, be- }
fore me.

STEPHEN THEOD. JANSSEN, *Mayor*.

Proceedings of the Assembled Estates of all
 $\left\{ \begin{array}{c} \text{SEAL.} \end{array} \right\}$ *the Lower Creek Nation on Saturday, the Eleventh*
Day of August, Anno Domini 1739.

By Powers from His most sacred Majesty, George the Second, by the grace of God, King of Great Britain, France

and Ireland, etc., General James Oglethorpe, being appointed Commissioner was present in behalf of His Majesty, and opened the assembly by a Speech. There was also present at the said assembly of Estates, the Mico or Chief King of the Coweta Town Chickely Ninia Mico of the said Town, Malachi Mico Son of Bum* late Emperour of the Creek Nation, and the Chiefs and Warriors of the Coweta Town, and the Mico or King of the Cussitas and Skisheligo Mico next to the King of the Cussitas; Iskeigo third Chief man of the Cussitas and the other Chief Men and Warriors of the said Town. And also Ockachapko one of the Chief Men of the Town of Palachuchucas; Kelath, Chief War Captain and other Chief Men and Warriours, being Deputys sent with full Power to conclude all things for the said Town; Sawmawme Mico of the Ufawles with several other chief Men and Warriours, being Deputys sent with full powers to conclude all things for said Town; Melacchelio, War Captain of the Echetees with several other Chief Men and Warriors, being Deputys sent with full Power to conclude all things for the said Town; Neathaclo, Chief Man of the Ousichees, with several other Chief Men and Warriours, being Deputys sent with full Power to conclude all things for the said Town; Occullavech, Chief Man of the Cheshaws, with several other Chief Men and Warriours being Deputys sent with full Powers to conclude all things for the said Town; Hewanawge Thalecko, Chief Man of the Oakmulge with several other Chief Men and Warriours being Deputys sent with full Powers to conclude all things for the said Town. The Mico or King of the Oconys with several Chief Men and Warriours having full Powers to conclude all things for the said Town; Necthachle, second Chief Man of the Swagles with several other Chief Men and Warriours, being Deputys sent with full Powers to conclude all things for the said Town.

The whole Estates Declared by a general consent without one Negative that they adhered in their ancient Love to the King of Great Britain and to their agreements made in the year

*Spelled Breen in some copies, where also other Indian names have a spelling differing from that here given.

1733, with the Trustees for Establishing the Colony of Georgia in America, a counter part of which agreement was then delivered to each Town and the Deputys of the several Towns produced the same. The said Estates further declared that all the Dominions, Territories and Lands from the River Savannah to the River Saint John's and all the Islands between the said Rivers and from the River St. John's to the Bay of Appalache within which is all the Appalache old Fields, and from the said Bay of Appalache to the Mountains doth by ancient right belong to the Creek Nation who have maintained Possession of the said Right against all opposers by War and can show the heaps of Bones of their Enemies slain by them in defense of the said Lands. And they further declare that the said Creek Nation hath for ages had the Protection of the Kings and Queens of England and have gone to War by Commissions from the Governors appointed by the said Kings and Queens of England and that the Spaniards nor no other Nation have a right to any of the said Lands, and that they will not suffer them or any other Persons (Excepting the Trustees for Establishing the Colony of Georgia in America) to settle upon the said Lands, AND they do acknowledge the Grant they have already made to the Trustees for Establishing the Colony of Georgia in America all the Lands upon the Savannah River as far as the Ogeechee & all the Lands along the Sea-Coast as far as the River St. John's and as high as the tyde flows and all the Islands as far as the said River Particularly the Islands of Frederica, Cumberland and Amelia to which they have given the names of his Majesty King George's Family out of gratitude to him. But they Declare that they did and do reserve to the Creek Nation the Lands from Pipe Maker's Bluff to Savannah and the Islands of Saint Catherines, Ossebaw, and Sapelo; and they further declare that all the said Lands are held by the Creek Nation as Tenants in Common—

The said commissioner doth Declare that the English shall not enlarge or take any other Lands except those granted as above by the Creek Nation to the Trustees and doth promise and covenant that he will punish any Person that shall intrude

upon the Lands which the Creek Nation hath reserved as above. GIVEN under my hand and Seal at the Coweta Town this twenty first day of August Anno Domini 1739.

JAMES OGLETHORPE

By James Oglethorpe, Esq., General & Commander in Chief of all His Majesty's Forces in South Carolina & Georgia, Etc.

To all His Majesty's Subjects to whom these Presents shall come, Greeting.

Know Ye that you are not to take up or Settle any Lands beyond the above Limits settled by me with the Creek Nation, at their Estates held on Saturday, Eleventh Day of August, Anno Domini, 1739, as you shall at your peril answer. Given under my hand and seal at the Cusseta Town, this twenty-first day of August, Anno Domini 1739.

JAMES OGLETHORPE

This is true and authentic.

Made in the square at the Coweta Town and in the square at the Cussita Town and translated by a sworn interpreter in the presence of the within mentioned Indians and under mentioned Britons, and by me.

Lieutenant GEORGE
DUNBAR.

Ensign JOHN LEMAN.

Adjutant HUGH MAC-
KAY.

Adjutant HUGH MAC-
KAY.

ENEAS MACKINTOSH,
Esq., Brother to the
Laird of Mackintosh.

JOHN CUTHBERT, Esq.
of Drackers.

MR. ROBERT MCPHERSON, brother
of THOMAS MCPHERSON of Da-
hade.

MR. JOHN MACKINTOSH, son of
JOHN MACKINTOSH of Holmes.

MR. JAMES MACKQUEER, son of
JAMES MACKQUEER of Cors-
brough.

MR. KENETH BAILIE, son to JOHN
BAILIE of Balbrobart.

MR. JOHN MACKINTOSH.

MR. JOHN CUTHBERT.

of the County of Inverness.
North Britain.

Secretary's office.

Which I do certify, Recorded in Book 2 fo. 424.
 THOMAS MARRIOTT Examined per WILLIAM PINCKNEY.
 Pro. Deputy Sect.

*Be it Remembered By All Manner of People to Whom This
 Written Paper Shall Come; By whom it shall be seen; or
 to whom it shall be made known, as long as the Sun shall
 shine or the waters run in the Rivers.*

*That, we, the general Assembled Estates composed of the
 Miccos or Kings, Chieftains, Captains, Warriors, Beloved Men
 and Deputys of the Upper and Lower Creek Nations, having a
 rightful and natural power according to the Laws and Customs
 of our Fore Fathers (to which we have always strictly ad-
 hered) finally to conclude all things, regarding the said Na-
 tions in behalf of ourselves, subjects, and Vassals; being sol-
 emnly met together in Council according to the ancient manner
 and form of our Nation Do hereby Ratify, allow, confirm, and
 hold firm and valid to all intents and purposes the Deed of
 sale or conveyance or by what ever other name that instrument
 of writing may be called; made by Malatchi Opeya Micco
 Rightful and Natural Prince of the said Nations of the Islands
 upon the Sea Coast commonly known by the names of Coulee-
 gee or Saint Catharine's Islands, Housoppy or Ossebaw Is-
 lands, and the Islands of Sapelo bounded towards the sun
 rising by the sea towards the sun setting by certain Rivers the
 names of which we do not know, dividing the said Islands
 from the main Continent and North and South by certain In-
 letts from the sea unto our Beloved man Thomas Bosom-
 worth and our Sister Mary his wife, their heirs or assigns for-
 ever, according to the true intent and meanings of the said writ-
 ten paper therein more particularly specified to which reference
 may be had.*

In confirmation of these presents we the said Assembled
Estates for us our heirs subjects and vassals do declare that we

will warrant and forever defend the said Title to the said Thomas Bosomworth and Mary his wife, their Heirs, Executors, administrators against the Claim or Claims of any person or persons Indian or Indians whatever.

In witness whereof we the said Assembled Estates have hereunto set our hands and seals at our General Council in the Coweta Square This Second Day of the month called August by the English in the year of our Lord 1750 and in the 24th year of the Reign of the Great King George.

Sealed and Delivered in the presence of: GEORGE GALPHIN ADAM BOSOMWORTH WILLIAM LINDEN JOSEPH PIERCE	{	His MALATCHIOPEGA x Mico Comd'ing Mark King Cowetas. ISTABAY EACHEY x Warrior King of Cussitas. YOCKENGEY x King of Hichetti AHOMMATHLY x King of Dara- chuklers. INCLEE HUMB EY x King of Tuckba- baches. ELACHEGEGEY x King of Che- haws. IMTLAPUGEY x King of Wasse- teles.
SAVANNAH in GEORGIA	}	By all People to whom <i>These Pres- ents</i> shall come be seen or be made known.

Be it Remembered that on the 29th day of September, 1750 Before me Samuel Marcer one of the Bailiffs for the Town and County of Savanah in the Colony of Georgia, Personally appeared Adam Bosomworth and Joseph Piercy, subscribing witnesses to the within Instrument of writing, who being severally duly sworn on the Holy Evangelists of Almighty

God do declare that they were personally persent when the within written instrument was explained and interpreted at the General Assembly of the Creek Nations in the Coweta Square held the second day of August, 1750, and that they saw the Miccos or Kings of the several Towns within mentioned sign, seal, and as their act and deed deliver the within written paper in behalf of themselves, Captains, Warriors beloved men and deputies of the said Creek Nations with the general consent and approbation of the whole Assembled Estates without one Negative, unto the within named Mary Bosomworth, in behalf of herself and Thomas Bosomworth her husband, for the uses and purposes within mentioned. And the said Adam Bosomworth and Joseph Piercey do further declare that they saw George Galphin & William Linden sign their names as subscribing Witnesses to the within Instrument of writing. And lastly Joseph Piercey doth for himself likewise further declare that he perfectly understands the Creek Indian Language, that he has at sundry times been interpreter to the said Indians at Public Meetings both during the command of Major William Horton and Lieutenant Col. Alexander Heron, and that the within written Paper is the true intent and meaning of the Declaration made when he was personally present by the General Assembled Estates of the Creek Nations in the Coweta Square the day and date above mentioned, without one Negative.

ADAM BOSOMWORTH
JOSEPH PIERCEY.

Sworn the 29th day of
September, 1750, be-
fore me

SAMUEL MARCER
Secretary's office

Recorded in Book 2,
Fo. 428. Examined
per WILLIAM PINCK-
NEY.

Pro. Dept. Secty.

The within written deed recorded in
my office.

CHAS. WATSON,
Recorder.

The Trustees for Establishing the Colony of Georgia in America to the Chief Men of the Nation of the Lower Creeks send Greetings—

Whereas the Great King George the Second, King of Great Britain, did by his Letters Patent under the Great Seal of Great Britain bearing date the ninth day of June in the fifth year of his Reign Constitute and appoint a Body Politick and Corporate by the Name of *The Trustees* for Establishing the Colony of Georgia in America; and *Whereas*, The said *Trustees* have received from the Beloved Mr. James Oglethorpe of West Brook Place in the County of Surry, Esqr., one of the Common Council of the said *Trustees*, a copy of certain Articles of Friendship and Commerce between the said *Trustees* and the said Chief Men which is in the words following (that is to say) *Articles* of Friendship and Commerce between the Trustees for Establishing the Colony of Georgia in *America* and the *Chief Men* of the Nation of the *Lower Creeks*.

First. The Trustees bearing in their Hearts great Love and Friendship to you the said Head Men of the Lower Creek Nation do engage to let their people carry up into your Towns all kinds of Goods fitting to trade in the said Towns at the Rates and prices settled and agreed upon before you the said Head Men and annexed to this Treaty of Trade and Friendship.

Secondly. The Trustees do by these Articles promise to see Restitution done to any People of your Towns by the People they shall send among you upon proof made to the Beloved Man they shall at any time send among you that they who have either committed Murder, Robbery, or have beat or wounded any of your People or any ways injured them in their Crops by their Horses or any other ways whatever and upon such proof the said people shall be tried and punished according to the English Law.

Thirdly. The Trustees when they find the Hearts of you the said Head Men and your people are not good to the people they shall send among you or that you or your People do not mind this Paper, they will withdraw the English favor

from the Town so offending. And that you and your people may have this chain of Friendship in your minds and linked to your hearts they have made fast their Seal to this Treaty.

Fourthly. We the Head Men of the Coweta and Cussita Towns in behalf of all the Lower Creek Nation being firmly persuaded that He who lives in Heaven and is the occasion of all good things has moved the hearts of the Trustees to send their Beloved men among us, for the good of our wives and children, and to instruct us and them in what is straight, do therefore declare that we are glad that their People are come here, and though this Land belongs to us, the Lower Creeks, yet we that we may be instructed by them do consent and agree that they shall make use of and possess all those Lands which our Nation hath not occasion for to use, and we make over unto them their Successors and Assigns all such Lands & Territories as we shall have no occasion to use, Provided always that they upon settling every New Town shall set out for the use of ourselves and the People of our Nation such Lands as shall be agreed upon between their Beloved men and the head men of our Nation and that those Lands shall remain to us forever.

Fifthly. We the Head Men do promise for ourselves and the People of our Towns that the Traders for the English which shall settle among us shall not be robbed or molested in their Trade in our Nation; and that if it should so happen that any of our People should be mad and either kill, wound, beat, or rob any of the English Traders or their People, then we the said Head Men of the Towns aforesaid do engage to have justice done to the English and for that purpose to deliver up any of our People who shall be guilty of the crimes aforesaid to be tryed by the English Laws or by the laws of our Nation as the Beloved Man of the Trustees shall think fit; and we further promise not to suffer any of the People of our said Towns to come into the limits of the English Settlements without leave from the English Beloved Man, and that we will not molest any of the English Traders passing to or from any Nation of Indians in Friendship with the English.

Sixthly, and we the Head Men, for ourselves and People do promise to apprehend and secure any Negro or other slave which shall runaway from any of the English Settlements to our Nation and to carry them either to this Town or Savannah or Pallachuckla Garrison and there deliver him up to the Commander of such Garrison and to be paid by him four Blankets or two Guns or the value thereof in other goods, provided such runaway Negro or other slave shall be taken by us or any of our People on the further side of Ocony River, and in case such Negro or runaway Slave shall be taken on the hither side of the said River and delivered to the Commander as aforesaid, then we understand the pay to be one Gun or the value thereof; and in case we or our people should kill any such slave for resistance or running away from us in apprehending him then we are to be paid one Blanket for his head by any Trader we shall carry such slave's head unto.

Lastly. We promise with straight Hearts and Love to our Brothers, the English, to give no encouragement to any other white people but themselves to settle among us, and that we will not have any correspondence with the Spaniards or French, and to show that we, both for the good of ourselves, our wives and children, do firmly promise to keep the Talk in our hearts as long as the sun shall shine or the waters run in the Rivers. We have each of us set the marks of our Families.

Schedule of Prices of Goods agreed on Annexed—

Two yards Strouds, Five Buckskins.

One yard Plains, One Buckskin, one pound and three quarters or Doeskin as wearable.

One White Blanket, Five Buckskins or ten Doeskins.

One Blue Duffle Blanket, three Buckskins or Six Doeskins.

A gun, ten Buckskins, or twenty Doeskins.

A pistol, five Buckskins or ten Doeskins.

A gun lock, four Buckskins or eight Doeskins.

Two measures of Powder, one Buckskin or two Doeskins.

Sixty Bullets, one Buckskin or two Doeskins.

A white shirt, two Buckskins or four Doeskins.

A knife, one Doeskin.

Eighteen Flints, one Buckskin or two Doeskins.
Three yards of Cadiz, one Doeskin.
Three yards of Gartering, one Doeskin.
A Hoe, two Buckskins or four Doeskins.
A falling axe, two Buckskins or four Doeskins.
A large Hatchet, answerable, three Doeskins.
A small Hatchet, one Buckskin or two Doeskins.
A brass kettle, per pound, one Buckskin or two Doeskins.
Two yards of Brass wire, a Doeskin.
A Looking glass, one Buckskin or two Doeskins.
A hat, two Buckskins or four Doeskins.
A Leathern Belt, one Buckskin or two Doeskins.
One Dozen Buttons, one Doeskin.

And Whereas, The said Trustees are greatly desirous to maintain and preserve an inviolable Peace, Friendship and commerce between the said Head Men of the Lower Creek Nation of the Creeks and the People the said Trustees have sent and shall send to inhabit and settle in the Province of Georgia aforesaid to endure to the world's end:

NOW KNOW YE

That we, the said Trustees for Establishing the Colony of Georgia in America do by these presents ratify and Confirm the said Articles of Friendship and Commerce between the Trustees for Establishing the Colony of Georgia in America and the Chief men of the Nation of the Lower Creeks all and every the articles of agreements therein contained, and also the rates and prices of Goods above mentioned, settled and agreed upon before the said Head Men and annexed to the said Treaty of Trade and Friendship.

In Witness whereof the Common Council of the said Trustee for Establishing the Colony of Georgia in America have to these presents made fast the common Seal of Corporation of the said Trustees the eighteenth day of October in the

seventh year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith and so forth, and in the year of our Lord One Thousand, seven hundred and thirty three.

By Order of the said
Common Council

(Signed) BENJAMIN MARTYN, Secty.

A true copy,
Sworn before me
this 20th
September, 1751.

} JOHN MACKINTOSH
THOMAS BOSOMWORTH